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December 22, 2022

The Honorable Colm F. Connolly
U.S. District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Koninklijke Philips N.V. v. Thales DIS AIS USA et al.*
C.A. No. 20-1713-CFC;
Koninklijke Philips N.V. v. Telit IoT Solutions et al.
C.A. No. 20-1711-CFC;
Koninklijke Philips N.V. v. Thales DIS AIS USA et al.
C.A. No. 20-1709-CFC;
Koninklijke Philips N.V. v. Telit IoT Solutions et al.
C.A. No. 20-1708-CFC

Dear Chief Judge Connolly:

We are writing on behalf of Defendants Thales DIS AIS USA LLC, Thales DIS AIS Deutschland GmbH, Thales USA, Inc., and Thales S.A. in response to Plaintiff's letter submission in Civ. No. 20-1713-CFC, one of the six related cases pending before the Court. Pursuant to the August 20, 2021 Order, this case was "stayed and administratively closed until further order of the court."¹ See D.I. 103. We regret that the parties were unable to reach agreement on a joint submission to the Court regarding this administrative matter. As we informed Plaintiff, the Thales

¹ Related Case Nos. 20-1711-CFC and 20-1710-CFC were also stayed pending resolution of the co-pending ITC investigation involving the same four patents asserted in those cases.

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Defendants are available for a status conference with the Court after next week's Christmas and New Year's holidays to discuss case management of the patent (unenforceability/infringement/invalidity) and FRAND phases of these cases.

Following the May 2, 2022 telephonic status conference in Case Nos. 20-1707-CFC, 20-1708-CFC, 20-1709-CFC, the Court rejected Plaintiff's proposal of a FRAND trial proceeding ahead of the patent issues in at least Civ. No. 20-1708-CFC involving Defendant Telit IoT Solutions ("Telit"). *Compare* Hr'g Tr. of May 2, 2022 at 19 *with* Hr'g Tr. of May 26, 2022 at 7 ("I will just postpone all deadlines,... and we're going to have this trial on unenforceability and deal with it, and then it seems that's a way of trying to streamline how to litigate this very complex case with lots of moving parts"). In the case involving Telit, the Court entered a scheduling order which provides for briefing on the dispositive issue of patent unenforceability to be completed by July 13, 2023. *See* D.I. 82, Civ. No. 20-1708-CFC. Most importantly, Telit is in the process of acquiring the cellular IoT products business of the Thales DIS AIS defendants, and that transaction is expected to be completed by the end of this month.²

In view of these circumstances, as well as the Court's stated preference regarding the sequencing of the issues common to these related cases, the Thales defendants have advised Plaintiff that it would make sense to propose a schedule and scope for the FRAND phase to proceed after the conclusion of at least the patent unenforceability phase in Case No. 20-1708-CFC.

We look forward to the Court's guidance and direction.

Respectfully,

/s/ Brian P. Egan

Brian P. Egan (#6227)

BPE/bac

cc: Clerk of the Court (via hand delivery)
All Counsel of Record (via electronic mail)

² There are also motions to dismiss Thales S.A. and Thales USA, Inc. pending in Case Nos. 20-1709-CFC and 20-1713-CFC, and a motion to dismiss the additional supplemental claims of the amended complaint pending in Case No. 20-1709-CFC.